

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LINDA PETRULIO,
Plaintiff,

CIVIL ACTION

v.

**TELEFLEX INCORPORATED, and
TELEFLEX MEDICAL
INCORPORATED,**
Defendants.

NO. 12-7187

ORDER

AND NOW, this 4th day of November, 2014, upon consideration of Motion for Summary Judgment of Defendants Teleflex Incorporated and Teleflex Medical Incorporated (Document No. 22, filed February 26, 2014); Plaintiff's Brief in Opposition to Defendants' Motion for Summary Judgment (Document No. 34, filed March 26, 2014); Defendants Teleflex Incorporated and Teleflex Medical Incorporated's Reply in Support of Their Motion for Summary Judgment (Document No. 43, filed May 2, 2014);¹ Plaintiff's Surreply in Opposition to Defendants' Motion for Summary Judgment (Document No. 46, filed May 16, 2014); Plaintiff's Motion to Strike the Report and Exclude the Proposed Expert Testimony of Dr. Jon Younger (Document No. 24, filed March 4, 2014); Defendants Teleflex Inc. and Teleflex Medical, Inc.'s Memorandum of Law in Opposition to Plaintiff's Motion to Strike the Report and Preclude the Proposed Expert Testimony of Dr. Jon Younger (Document No. 32, filed March 25, 2014); Plaintiff's Reply Brief in Further [sic] Support of Motion to Strike Report and Exclude Proposed Expert Testimony of Dr. Younger (Document No. 38, filed April 8, 2014); Defendants Teleflex Inc. and Teleflex Medical, Inc.'s Sur-reply in Further Opposition to

¹ Defendants filed a redacted copy of this reply and its attachments on May 28, 2014. (Document No. 51).

Plaintiff's Motion to Strike the Report and Preclude the Proposed Expert Testimony of Dr. Jon Younger (Document No. 39, filed April 16, 2014); Brief in Support of Plaintiff's Motion to Strike the Report and Preclude the Proposed Expert Testimony of Dr. Charles Sodikoff (Document No. 26, filed March 4, 2014); Defendants, Teleflex Inc. and Teleflex Medical, Inc.'s Memorandum of Law in Opposition to Plaintiff's Motion to Strike the Report and Preclude the Proposed Expert Testimony of Dr. Charles Sodikoff (Document No. 30, filed March 25, 2014); Plaintiff's Motion to Strike Portions of the Expert Report and to Exclude Testimony from the Center for Forensic Economic Studies Referring to or Relying Upon the Report of Dr. Charles Sodikoff (Document No. 25, filed March 4, 2014); Defendants, Teleflex Inc. and Teleflex Medical, Inc.'s Memorandum of Law in Opposition to Plaintiff's Motion to Strike Portions of the Expert Report and to Exclude Testimony from the Center for Forensic Economic Studies Referring to or Relying Upon the Report of Dr. Charles Sodikoff (Document No. 31, filed March 25, 2014); and the related submissions of the parties, for the reasons stated in the accompanying Memorandum dated November 4, 2014, **IT IS ORDERED** as follows:

1. That part of defendants' Motion for Summary Judgment (Document No. 22) seeking dismissal of plaintiff's claim of sex discrimination based on her termination and dismissal of plaintiff's claims relating to her demotion and failure to promote as discrete acts under Title VII and the PHRA is **GRANTED**. Defendants' Motion for Summary Judgment is **DENIED** in all other respects;

2. Plaintiff's Motion to Strike the Report and Exclude the Proposed Expert Testimony of Dr. Jon Younger (Document No. 24) is **DENIED**;

3. Plaintiff's Motion to Strike the Report and Preclude the Proposed Expert Testimony of Dr. Charles Sodikoff (Document No. 26) is **GRANTED** to the extent it seeks to

exclude the following opinions of Dr. Sodikoff: (1) plaintiff has not conducted a “reasonable and diligent job search to mitigate her loss by finding comparable employment”; (2) if plaintiff had conducted a “reasonable and diligent job search . . . she would have found a comparable position within 4–12 months”; (3) if plaintiff conducts a “reasonable and diligent” job search, she will be able to fully mitigate her loss by establishing her own consulting practice; and (4) plaintiff’s documentation shows that she is no longer looking for a permanent, full-time position or additional consulting work. Plaintiff’s Motion to Strike the Report and Preclude the Proposed Expert Testimony of Dr. Charles Sodikoff is **DENIED** in all other respects;² and

4. Plaintiff’s Motion to Strike Portions of the Expert Report and to Exclude Testimony from the Center for Forensic Economic Studies Referring to or Relying Upon the Report of Dr. Charles Sodikoff (Document No. 25) is **GRANTED**.

IT IS FURTHER ORDERED that a telephone conference for the purpose of scheduling further proceedings will be conducted in due course.

BY THE COURT:

/s/ Hon. Jan E. DuBois
DuBOIS, JAN E., J.

² As discussed in the accompanying Memorandum dated November 4, 2014, Dr. Sodikoff will be permitted to testify at trial, subject to plaintiff’s right to object to inadmissible evidence, as to other matters to the extent that his testimony offers information that is relevant to the issue of plaintiff’s mitigation and that lies outside the knowledge of a layperson.